

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jermaine Emmanuel Johnson,)	C/A No.: 5:21-3025-BHH-KDW
)	
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
Warden of FCI Bennettsville,)	
)	
Respondent.)	
)	

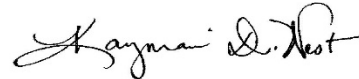
Jermaine Emmanuel Johnson (“Petitioner”) proceeding pro se, filed this Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 while incarcerated at FCI Bennettsville. On September 22, 2021, the court ordered Petitioner to pay the filing fee or file a motion to proceed in forma pauperis and to fully complete the attached § 2241 habeas petition. ECF No. 8. Petitioner was warned that the failure to comply with the court’s order by October 13, 2021, may subject the case to dismissal. *Id.* On October 4, 2021, the order was returned to the court as undeliverable with the notation “Return to Sender, Individual no longer at this address.” ECF No. 13. The Clerk of Court performed a federal inmate search using Petitioner’s Federal Bureau of Prison number and the search revealed Petitioner was released on September 27, 2021. ECF No. 14.

As a result of Petitioner's failure to keep the court apprised of his address, neither the court nor Respondent has any means of contacting him concerning his case. Based on the foregoing, the undersigned recommends that this action be dismissed without prejudice in accordance with Federal Rule of Civil Procedure 41(b). The Clerk is directed to send this Report and Recommendation to Petitioner at his last known address. If Petitioner notifies the court within the time set for filing objections to this Report and Recommendation that he wishes to continue with this case and provides a current address, the Clerk is directed to vacate this Report and

Recommendation and return this file to the undersigned for further handling. If, however, no objections are filed, the Clerk shall forward this Report and Recommendation to the district judge for disposition.

IT IS SO RECOMMENDED.

October 6, 2021
Florence, South Carolina



Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. [I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk
United States District Court
Post Office Box 2317
Florence, South Carolina 29503**

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).